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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,553	12/20/2000	Allan F. Sowinski	81040PDAN	8950

7590

04/07/2004

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EXAMINER

BAYAT, ALI

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,553

Applicant(s)

SOWINSKI ET AL.

Examiner

Ali Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4 and 5</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Fredlund et al.

In regard to claim 1, Fredlund provides for a photofinishing method comprising the steps of: a) offering a plurality of available image looks to a customer in a manner which permits the customer to select at least one image look for association with at least one image captured by the customer on scan-only photographic material (Fig.3 elements 58,60 and 62 col.5 line 64-col.6 lines 29); b) converting the at least one image to an image-bearing electronic signal representative of the at least one image (Fig.6 element 116 col.17 lines 35-41); c) applying the selected look to the image-bearing electronic signal (Fig.6 element 122 col.7 lines 60-67); d) processing the image-bearing electronic signal to provide a processed image having properties of the selected image look (Fig.6 element 124 col.7 line 65-col.8 line 5); and e) transferring the processed image to at least one of a customer or an intended recipient (col.8 lines 16-28).

With regard to claims 2 and 11 Fredlund provides a method, further comprising the step of printing the processed image (Fig.6 element 124).

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As to claims 3 and 22 Fredlund provides for a method, wherein the step of offering the image look to a customer comprises representing the image looks on a display medium (Fig.3 element 50 col.5 lines 14-17).

In regard to claims 4 and 13, Fredlund provides for a method, wherein the step of representing the image looks on a display medium comprises displaying the image look to a customer on a color monitor, to permit the customer to select a desired image look from the displayed image looks subsequent to viewing the processed images (Fig.3 element 50, col.5 line 64-col.6 lines 29).

With regard to claims 5 and 12, Fredlund provides for a method, wherein the scan-only photographic recording material is a color negative film (col.2 lines 28-30).

As to claims 6-7 and 14-15, Fredlund provides for a method, wherein the step of offering a plurality of images looks comprises displaying the image look to a customer in a color brochure, to permit the customer to select a desired image look from the displayed image looks prior to viewing the processed image (Fig.3 elements 58,60 and 62, col.5 line 64-col.6 line 29).

In regard to claims 8 and 16, Fredlund provides for a method, wherein the image looks include one or more looks from a list that includes accurate color reproduction, portrait color, high color, black-and-white, old-fashioned sepia tones, selected levels of color intensity (Fig.6 element 116 col.7 lines 38-43, note color intensity), selected levels of contrast, selected levels of detail, selected levels of sharpness, and selected levels of grain.

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With regard to claim 9, Fredlund provides for a method, wherein the converting of the at least one image to an image-bearing electronic signal representative of the at least one image occurs at a different location than the processing the image-bearing electronic signal to provide a processed image having the properties of the selected image look (col.7 lines 1-5, note insertion of images in pre-prepared backgrounds).

As to claims 10,21 and 23. See claim 1 above. It recites similar limitations as claims 10,21 and 23. Hence they are similarly analyzed and rejected.

With regard to claim 17, Fredlund provides for a method, wherein the exposed photographic recording material is processed with a development step to produce an image suitable for scanning (col.2, lines 28-31).

In regard to claim 24. See claim 1 above. It recites similar limitations as claim 24. Except for computer program product (Fig.1B element 26 col.3 lines 30-35). Hence it is similarly analyzed and rejected.

With regard to claim 18, Fredlund provides for a method, wherein the processing step for the exposed photographic recording material includes dry chemistry thermal photographic development (col.7 lines 20-25).

In regard to claim 20. See claim 1 above. It recites similar limitation as claim 20. Hence it is similarly analyzed and rejected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al. (U.S. 5,666,215) in view of Shaffer et al. (US 2001/0046330 A1).

In regard to claim 25, Fredlund discloses for, checking for a stored customer profile for the customer based on at least a customer identification of the customer (Fig.1B element 26, col.3 lines 30-36); offering a plurality of possible image looks to the customer in a manner which permits the customer to select a preferred image look which is to be applied to an image bearing electronic signal representative of a captured image (Fig.3 elements 58,60 and 62 col.5 line 64-col.6 lines 29); offering a plurality of possible image looks to the customer(Fig.3 elements 58,60 and 62 col.5 line 64-col.6 lines 29) in a manner which permits the customer to select at least one image look which is to be applied to an image bearing electronic signal representative of a captured image(Fig.6 element 116 col.17 lines 35-41); and creating a new customer profile based on the selected image look (Fig.1B element 26, col.3 lines 30-36), Fredlund does not disclose expressly for customer profile including information representative of previously selected preferred image looks for the customer, and at least one of said stored possible image looks being a previously selected preferred image look from said stored customer profile; and updating the stored customer profile based on the selected preferred image look. However in the same field of endeavor Shaffer discloses for customer profile including information representative of previously selected preferred image looks for the customer, and at least one of said stored possible image looks being a previously selected preferred image look from said stored customer profile; and

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updating the stored customer profile based on the selected preferred image look (page 3, right column lines 25-38), references of Fredlund and Shaffer are combinable, because they are from the same field of endeavor (photographic images). It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Shaffer (page 3, right column lines 25-38), to modify the system and method of Fredlund, because the method of Shaffer provides an improved method of generating photo albums from consumer photographs that requires a minimum amount of effort but yields a high quality product and is reasonably priced (page 1 right column lines 46-50).

With regard to claim 26. See claim 25 above. It recites similar limitations as claim 26. Except for a computer readable storage medium having a computer program stored thereon (Fig.1B element 26. col.3 lines 30-35). Hence it is similarly analyzed and rejected.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al. (U.S. 5,666,215) in view of Bourdelais et al.(U.S. patent 5,866,282).

In regard to claim 19, Fredlund discloses for a photofinishing method (Fig.1B col.3 lines 20-35), Fredlund does not disclose expressly for processing step for the exposed photographic recording material includes lamination to a donor medium. However in the same field of endeavor Bourdelais discloses for for processing step for the exposed photographic recording material includes lamination to a donor medium (col.10 lines 45-59), references of Fredlund and Bourdelais are combinable, because they are from the same field of endeavor (photographic images) It would have been

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obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Bourdelais (col.10 lines 45-59), to modify the system and method of Fredlund, because the invention of Bourdelais provides an improved base for casting of photosensitive layers. It particularly provides improved base for color photographic materials that have greater resistance to curl and improved image (col.2 lines 14-17).

4. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al. (U.S. 5,666,215) in view of Shaffer et al. (US 2001/0046330 A1), and further in view of Fields et al. (U.S. 6,581,109).

As to claim 27, Fredlund as modified by Shaffer discloses for stored customer profile for the customer based on at least a customer identification of the customer (Fig.1B element 26, col.3 lines 30-36), Fredlund as modified by Shaffer does not disclose expressly for, determining monitor settings of the monitor accessed by the customer; comparing the determined monitor settings to optimum monitor settings that provide preferred calibration results; providing color calibration information to the customer based on said comparing step; and said customer profile including information representative of preferred monitor settings for the customer. However in the same field of endeavor Fields discloses for, determining monitor settings of the monitor accessed by the customer; comparing the determined monitor settings to optimum monitor settings that provide preferred calibration results; providing color calibration information to the customer based on said comparing step; and said customer profile including information representative of preferred monitor settings for the customer (col.5 lines 29-

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44), references of Fredlund as modified by Shaffer and Fields are combinable, because they are from the same field of endeavor (color management in a computer). It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Fields (col.5 lines 29-44) with the system and method of Fredlund as modified by Shaff. Because the invention of Fields relates to a technique for dynamically adjusting image colors in a client-server environment to assure accurate color reproduction of an image or graphic in a web page as the page is served from a web server to a client (col.1 lines 10-15).

With regard to claim 29. See claim 27 above. It recites similar limitations as claim 29. Except for a computer readable storage medium having a computer program stored thereon (Fig.1B element 26. col.3 lines 30-35). Hence it is similarly analyzed and rejected.

In regard to claims 28 and 30. See claim 29 above. They recite similar limitations as claim 29. Hence they are similarly analyzed and rejected.

Other Cited References

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pub. No.: US 2001/0026371 A1 to Nozaki is cited for digital photo processing apparatus and printing data recording method.

U.S. patent 5,748,484 to Cannon et al. is cited for system for printing social expression cards in response to electronically transmitted orders.


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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915. The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Bayat 
Patent examiner
Group Art Unit 2625
4/3/04


TIMOTHY M. JOHNSON
PRIMARY EXAMINER